IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

PATRICIA CUMMINGS, : : : : : : : : : : : : : : : : : : :	CM
<i>Plaintiff</i> , : Case No. 1:19-cv-07723-C	CM
•	
- against - :	
:	
THE CITY OF NEW YORK; NEW YORK CITY :	
DEPARTMENT OF EDUCATION; GIULIA COX; :	
COURTNEY WARE; BEN CHAPMAN; NEW YORK :	
DAILY NEWS; DR. ANDRE PERRY; THE :	
HECHINGER REPORT a/k/a HECHINGER INSTITUTE :	
ON EDUCATION AND THE MEDIA; LENARD LARRY:	
McKELVEY a/k/a CHARLAMAGNE THA GOD; :	
WWPR-FM (105.1 MHZ); iHEARTMEDIA; CLEAR :	
CHANNEL COMMUNICATIONS, INC.; NEW YORK :	
STATE SENATOR, KEVIN S. PARKER; COALITION :	
OF EDUCATIONAL JUSTICE; ANGEL MARTINEZ; :	
NATASHA CAPERS; PHILIP SCOTT; ADVISE MEDIA:	
NETWORK n/k/a AFRICAN DIASPORA NEWS :	
CHANNEL, and "JOHN DOE AND JANE DOE # 1-100":	
said names being fictitious, it being the intent of Plaintiff to:	
designate any and all individuals, officers, members, :	
agents, servants, and/or employees of the aforementioned :	
agencies owing a duty of care to Plaintiff, individually and :	
jointly and severally, :	
;	
Defendants. :	
X	

DECLARATION OF MICHAEL J. GRYGIEL

MICHAEL J. GRYGIEL hereby declares pursuant to 29 U.S.C. § 1746:

- 1. I am a shareholder in Greenberg Traurig, LLP, attorneys for Defendant Lenard Larry McKelvey a/k/a Charlamagne tha God ("Charlamagne"), and am admitted to practice in this Court.
- 2. The Amended Complaint asserts claims against Charlamagne based on statements he made during the "Donkey of the Day" segment from *The Breakfast Club* broadcast on February

7, 2018. A true and correct copy of a certified stenographic transcript of the complete "Donkey of

the Day" segment was previously submitted to the Court as Exhibit 1 to the Declaration of Cynthia

Neidl (ECF Document No. 28-2). We respectfully refer the Court to that transcript for purposes

of this motion to dismiss the Amended Complaint.

I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: June 24, 2020

<u>/s/ Michael J. Grygiel</u>

MICHAEL J. GRYGIEL